

Policy Number	Policy Title
CP48	Recording of Council Meetings

OBJECTIVE

To ensure open and transparent government, improve engagement with the community and accessibility to Council decision making, and detailing the approach to recording of in person Council Meetings.

DEFINITIONS

‘Act’ means the *Local Government Act 1995*.

‘Regulations’ means the *Local Government (Administration) Regulations 1996*.

‘Member’ means an Elected Member.

‘Meeting’ means an Ordinary Meeting of Council, or a Special Meeting of Council.

‘Behind Closed Doors’ means where a meeting is closed to members of the public in accordance with Section 5.23(2) of the Act.

‘Inappropriate’ includes any comments considered to be liable, slanderous, defamatory, or not in keeping with accepted community standards.

‘Absolute Privilege’ means an absolute defense to an otherwise defamatory statement because of the venue or context in which the statement was made.

‘Record’ means any record of information however recorded.

‘Recording’ means to capture an audio recording of an event.

POLICY STATEMENT

The Shire of Irwin will abide by the following to comply with Section 5.23A(2) of the *Local Government Act 1995*, which states:

Section 5.23A(2) of the Act is a power that allows regulations to be made that may require, regulate, or otherwise make provision for any of the following matters:

- electronic broadcasting of council meetings
- making or retaining recordings of council meetings
- making recordings of council meetings publicly available
- provision, or otherwise making available, recordings of council meetings.

Recording

- Recordings will be made via audio from the Council Chambers using Zoom.
- The recording will be conducted by Shire Officers.
- Members of the public will be advised that an audio recording of the meeting will be made via the notice paper for the meeting and a sign will be prominently displayed in Council Chambers.
- The Presiding Member will make an announcement at the start of every meeting drawing attention to the fact that the meeting will be audio recorded.
- In accordance with the requirements for a Band 4 local government, the recording of the meetings will be made available on the Shire’s website at the time the unconfirmed minutes are published, excluding those matters considered Behind Closed Doors.
- The Shire will make every reasonable effort to ensure the recording is available. However, should any technical difficulties arise, the recording may not be available. Notification of such will be provided in accordance with the Regulations.
- The Presiding Member may decide to cease recording at any time during the meeting.

- Copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire.
- No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the written permission of the Council.

Meeting or Items of Business discussed Behind Closed Doors

- Recordings of meetings closed for consideration of matters under Section 5.23 of the *Local Government Act 1995* is permitted for minute taking purposes but will not be released to the public or made available on the Shire's website.
- Confidential recordings may be released, if requested, to the Department of Local Government, Sport & Cultural Industries, the Police or the Court.

Record Keeping

- The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any relevant Regulations.
- All recordings will be retained as part of the Shire's records for at least five (5) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).

Conduct and Responsibilities

- Elected Members are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of Irwin Code of Conduct for Council Members, Committee Members and Candidates and other relevant policies.
- Staff are required to act in accordance with the *Local Government Act 1995* (and Regulations), Shire of Irwin Employee Code of Conduct, and relevant policies.
- Members of the public are required to extend due courtesy and respect to the Council, Presiding Member, staff and other members of the public in attendance.

Liability and Defamation

- Under Section 9.57A of the *Local Government Act 1995*, the Shire is not liable for an action of defamation in relation to a matter published on its official website as part of a recording of Council proceedings.
- Under Section 9.56 of the *Local Government Act 1995* Elected Members and employees are not liable to defamation for any statements made in good faith.
- Further defenses under the *Defamation Act 2005* may also be applicable.
- As a general principle, the Shire will not edit recordings of meetings. This is to ensure open and transparent government. The onus is on those in attendance at the meeting to ensure that their conduct, content and language are appropriate for the audience. The Presiding Member is responsible for maintaining the orderly proceedings of the meeting.
- Following any meeting, the Chief Executive Officer in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. This may include, but is not limited to, material that may:
 - Breach the privacy of an individual;
 - Disclose confidential or privileged information;
 - Concern public safety or security;
 - Be offensive, abusive or discriminatory; or
 - Constitutes hates speech.

The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting, whereby Council may revoke or change the decision.

Council Policy – Organisation

Date of Adoption:	22 April 2025	Adoption Ref:	#110425
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Responsible Directorate:	Office of the CEO		
Legislation:			
Related Policies and/or Procedures:			